

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) vs.) Case No.
) 17-00132-01-CR-W-BP
 EDWARD J. GLEASON,)
)
) Defendant.)

APPEARANCES

Case 4:17-cr-00132-BP Document 156 Filed 09/03/20 Page 1 of 22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JULY 14, 2020

THE COURT: Thank you. Please be seated.
Are we ready to proceed?

MR. OSGOOD: Your Honor, I think Mr. Gleason is
prepared to enter his plea of guilty to the four counts
straight up.

THE COURT: With no plea agreement?

MR. OSGOOD: No plea agreement.

THE COURT: Okay. Does the government have any
position that you want to make on this issue?

MS. DUNNING: I don't know that I can.

THE COURT: I don't know either, but I wanted to
give you the opportunity to make one if you felt the
opportunity to -- or felt the need to do so.

MS. DUNNING: I would probably make a -- there's
been no -- is this fine to be -- I guess it's open court. So
there's been no -- I feel weird.

THE COURT: It's open court and we're on the record,
and I believe that, unless I hear otherwise --

THE COURTROOM DEPUTY: Now I've unmuted it.

MS. DUNNING: I'm not asking for that. I was just
processing out loud, which I shouldn't have done.

THE COURT: We need to have open court so we are now
officially open.

MS. DUNNING: Thank you.

1 So the only record I would make about it, and we
2 don't have to do it now, is just when we are on the record if
3 there is a plea, just that there's been no prior written
4 agreement. We've just had discussions today.

5 THE COURT: Then today is the first day that you've
6 had any discussions regarding a potential plea?

7 MS. DUNNING: No, but we never really had a formal
8 written agreement we passed back and forth. So that's the only
9 thing I would say about it.

10 THE COURT: Okay. Well, I don't know of any reason
11 that Mr. Gleason can't plead guilty at this point.

12 I will say that -- well, I don't think I need to say
13 anything at this point.

14 Mr. Gleason, you overheard the conversation that
15 I've had with your attorney; is that correct?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And is your attorney correct when he
18 says that you wish to change your plea of guilty in Counts 1
19 through 4 from not guilty to guilty?

20 THE DEFENDANT: Yes.

21 THE COURT: If you could give me just a couple of
22 minutes and let me pull up the indictment and a few other forms
23 here.

24 Okay, sir, before I can accept your plea, I need to
25 ask you a series of questions. I'm sure that you understand

1 the charges that you're pleading guilty to; that you understand
2 the range of punishment for those charges; and that you
3 understand the consequences of pleading guilty so that I can
4 determine whether your plea is a knowing and voluntary plea.
5 Okay?

6 THE DEFENDANT: Okay.

7 THE COURT: Before I do that, I'm going to ask that
8 the clerk swear you in.

9 EDWARD JAMES GLEASON, JR., being sworn by the courtroom deputy,
10 testified:

11 EXAMINATION BY THE COURT:

12 Q Could you please state your full name.

13 A Edward James Gleason, Jr.

14 Q How old are you?

15 A Forty-four.

16 Q What's the highest grade you completed in school?

17 A GED.

18 Q And are you a citizen of the United States?

19 A Yes, ma'am.

20 Q Do you understand that now because you're under oath,
21 that any statement that you make that is false or untrue could
22 be used against you? For example, for prosecution for perjury
23 or making a false statement?

24 A Yes, ma'am.

25 Q Have you ever suffered from any type of mental illness?

1 A No.

2 Q Have you ever suffered from an addiction?

3 A Yes.

4 Q It's my understanding that you're currently in custody;
5 is that correct?

6 A Yes, ma'am.

7 Q In the past 48 hours have you used any illegal drugs?

8 A No.

9 Q In the past 48 hours have you drank any alcohol?

10 A No.

11 Q Do you take any medicine on a regular basis?

12 A No.

13 Q In the past 48 hours have you taken any medicine?

14 A No.

15 Q Have you -- do you see a doctor for any reason on a
16 regular basis?

17 A No.

18 THE COURT: Mr. Osgood, in your opinion is your
19 client competent to enter a plea of guilty?

20 MR. OSGOOD: Yes, ma'am.

21 Q (By the Court) Sir, I next want to make sure that you
22 understand the charges you're pleading guilty to. Have you
23 received the indictments in this case?

24 A Yes.

25 THE COURT: And could you move that microphone a

1 little bit closer to him.

2 A Yes, I have.

3 Q (By the Court) And have you discussed the indictment
4 with your attorney?

5 A Yes.

6 Q And do you understand that Count 1 charges that --

7 THE COURT: I may use the time frame that was
8 contained in the proposed instruction. Do you have any
9 objection to that?

10 MR. OSGOOD: I don't, Your Honor.

11 THE COURT: In light of the fact that the charges
12 were dismissed.

13 MS. DUNNING: Yeah, I don't, Your Honor.

14 THE COURT: Okay.

15 Q (By the Court) Do you understand that Count 1 charges
16 that between approximately October 1st, 2014, and March 12th,
17 2014, here in the Western District of Missouri and elsewhere,
18 you and your codefendants who are listed in this indictment did
19 knowingly and intentionally combine, conspire, confederate, and
20 agree with each other and others, both known and unknown to the
21 grand jury, to distribute 500 grams or more of a mixture or
22 substance containing a detectable amount of methamphetamine?

23 A Yes.

24 Q Do you understand that this charge carries with it a
25 range of punishment of not less than ten years in prison, up to

1 life, a fine of not more than \$10 million, supervised release
2 of not less than five years, and a \$100 mandatory special
3 assessment?

4 A Yes.

5 Q Do you understand Count 2 charges that on or about
6 February 16th, 2015, here in the Western District of Missouri,
7 that you knowingly and intentionally distributed a mixture or
8 substance containing a detectable amount of methamphetamine, a
9 Schedule II controlled substance?

10 A Yes.

11 Q Do you understand that Count 2, Count 3, and Count 4
12 all carry the same range of punishment?

13 A Yes.

14 Q So I'm going to move on to the elements of Count 3. Do
15 you understand that Count 3 charges that on or about March 2nd,
16 2015, here in the Western District of Missouri, that you
17 knowingly and intentionally distributed a mixture or substance
18 containing a detectable amount of methamphetamine?

19 A Yes.

20 Q And do you understand that Count 4 charges that on or
21 about March 12th, 2015, here in the Western District of
22 Missouri, that you knowingly and intentionally possessed with
23 the intent to distribute 50 grams or more of a mixture or
24 substance containing a detectable amount of methamphetamine?

25 A Yes.

1 Q And do you understand that Counts -- well, excuse me.
2 I misstated that.

3 Do you understand that Counts 2 and 3 carry with
4 them a range of punishment of not more than 20 years in prison,
5 a fine of not more than \$1 million, supervised release of not
6 less than three years, and each of them, again, carry a \$100
7 mandatory special assessment?

8 A Yes.

9 Q And do you understand I misspoke a few moments ago when
10 I suggested that Count 4 carried the same range of punishment
11 as Counts 2 and 3?

12 A Yes.

13 Q Do you understand Count 4 actually carries with it a
14 range of punishment of not less than five years in prison, not
15 more than 40 years in prison, a fine of not more than \$5
16 million, supervised release of not less than four years, and
17 another \$100 mandatory special assessment?

18 A Yes.

19 Q So do you understand that if I accept your plea, I can
20 sentence you anywhere within this range of punishment?

21 A Yes.

22 Q Do you understand, however, that under no circumstances
23 can I sentence you to anything less than ten years to Count 1
24 and five years on Count 4?

25 A Yes.

1 Q I next want to ask you about the advice and
2 representation that Mr. Osgood has provided you in this case.
3 Are you satisfied with the advice and representation he's
4 provided you?

5 A Yes.

6 Q Sitting here today, do you have any concerns about the
7 advice and representation he's provided you?

8 A No, ma'am.

9 Q Is there anything Mr. Osgood has not done that you
10 specifically asked him to do?

11 A No, ma'am.

12 Q I next want to make sure you understand the rights that
13 you're giving up by pleading guilty. Do you, first of all,
14 understand that you have a right to continue to plead not
15 guilty and we could move forward with this trial that we've
16 started?

17 A Yes.

18 Q Do you understand that if you -- that if we move
19 forward with this trial, that you will be presumed innocent and
20 the government will have to prove your guilt beyond a
21 reasonable doubt?

22 A Yes.

23 Q Do you understand that at the trial you will have the
24 right to an attorney to assist you during all steps of the
25 trial?

1 A Yes.

2 Q And do you understand that if we had a trial, you would
3 have the right to see, the right to hear, and the right to
4 cross-examine all of the witnesses that the government produced
5 to testify against you?

6 A Yes.

7 Q Do you also understand that if we had a trial, you
8 could use the power of the Court to subpoena people and/or
9 documents to court that you could present to the jury in your
10 own defense?

11 A Yes.

12 Q And, lastly, do you understand that if we had a trial,
13 you could choose not to testify?

14 A Yes.

15 Q Do you understand that if you chose to not testify, I
16 would instruct the jury that they could not hold that fact
17 against you and you would still be presumed innocent?

18 A Yes.

19 Q Do you understand that by pleading guilty, you are
20 giving up all of these rights to a jury trial?

21 A Yes.

22 Q Do you also understand that because the charge you're
23 pleading guilty to is a felony offense, you may be giving up
24 valuable civil rights, such as the right to vote, the right to
25 hold office, the right to serve on the jury, and the right to

1 possess a firearm?

2 A Yes.

3 Q I next want to talk with you about the process that I
4 will use to decide your sentence if I accept your guilty plea.
5 Have you and Mr. Osgood discussed that process?

6 A Little bit.

7 Q Okay. For example, have the two of you discussed the
8 federal sentencing guidelines?

9 A Not entirely.

10 Q Has he shared with you how he believes the guidelines
11 will be calculated in your case?

12 A I don't think we have a full understanding as to what
13 it would be right now.

14 Q Okay. So do you understand if I accept your guilty
15 plea, I am going to ask the Office of Probation and Parole to
16 conduct a presentence report?

17 A Yes.

18 Q Do you understand that as a part of that presentence
19 investigation, they will do a presentence report and a
20 preliminary calculation of your sentencing guidelines?

21 A Yes.

22 Q And so you understand that until we go through that
23 process, not your attorney, not the attorney for the
24 government, not even I can tell you how I'm going to calculate
25 those guidelines?

1 A Yes.

2 Q So are you telling me that right now you recognize that
3 you don't know how those guidelines are going to be calculated?

4 A I do and I don't.

5 Q Okay. You have an idea that Mr. Osgood has given you;
6 is that fair?

7 A Yes.

8 MR. OSGOOD: Excuse me, Your Honor. One of the
9 things obviously that surfaces in this case is relevant
10 conduct. Mr. Gleason does understand the concept of relevant
11 conduct, and he's heard the facts in this case.

12 Is that right, Mr. Gleason?

13 THE DEFENDANT: Yes.

14 Q (By the Court) Okay. So you understand that there
15 have been no promises to you as to how the guidelines are going
16 to be calculated in your case?

17 A No. I do understand that.

18 Q You understand that, that there have been no promises
19 to you?

20 A Yes.

21 Q And you further understand that the guidelines are only
22 advisory, which means that I'm not required to follow the
23 sentencing guidelines?

24 A Yes.

25 Q So do you understand that regardless of how the

1 guidelines are calculated, what I'm required to do is impose a
2 sentence that I believe is reasonable in considering a number
3 of factors under federal sentencing law?

4 A Yes.

5 Q Do you understand that if I decide a reasonable
6 sentence is one that's actually higher than the sentencing
7 guidelines, that that will not be a basis for you to withdraw
8 your guilty plea?

9 A Yes.

10 Q Do you also understand that if the guidelines come back
11 differently than what you had predicted, even though you
12 recognize that it's an unknown, that regardless of how the
13 guidelines are calculated, that that will not be a basis for
14 you to withdraw your guilty plea?

15 A Yes.

16 Q Do you also understand that any sentence of
17 imprisonment that I impose is going to be followed by a term of
18 supervised release?

19 A Yes.

20 Q And have you talked with -- in fact, you've been on
21 supervised release before, haven't you?

22 A Yes. Yes.

23 Q So you understand that when you're on supervised
24 release, there's certain things you can do and certain things
25 you can't do?

1 A Right.

2 Q And you understand that if you don't meet the
3 requirements of supervised release, I may revoke your
4 supervised release and send you back to prison?

5 A Right.

6 Q And do you understand that if we get that situation
7 where I have to revoke your supervised release and send you
8 back to prison, that you won't get any credit for any good time
9 that you were on supervised release?

10 A Right.

11 Q Now, obviously this is a little bit unusual because
12 we've heard testimony from one witness in this case and you
13 have decided to change your plea. Have you discussed your
14 options with your attorney, Mr. Osgood?

15 A Yes.

16 Q And have you knowingly decided to give up your right to
17 a jury trial and instead plead guilty to these charges?

18 A Yes.

19 Q And do you have any reservation regarding the decision
20 you've made pleading guilty to these charges?

21 A No.

22 THE COURT: Ms. Dunning, could the government
23 establish the factual basis you would prove if this case were
24 to go to trial?

25 MS. DUNNING: Yes, Your Honor. Is it okay -- is it

1 okay if I stay seated?

2 THE COURT: Sure. Again, it's most important to
3 speak into the microphone.

4 MS. DUNNING: The government would present evidence
5 in this case that the Kansas City, Missouri Police Department
6 began an investigation of Mr. Gleason for methamphetamine
7 trafficking in January of 2015.

8 After conducting surveillance of him on
9 February 16th, they pulled over a person who had just met with
10 Mr. Gleason for a short time. She had gotten into his car,
11 remained for a short time, and exited. That person, Robyn
12 Phalen, was then stopped by the police officers and 6.8 grams
13 of methamphetamine was located concealed in her bra.

14 Officers had seen Mr. Gleason leave his home and drive
15 a short distance to meet with Phalen where he met with her for
16 a very short time before she was pulled over. So that would be
17 the basis for Count 2.

18 The location of the meeting place at St. John and
19 Oakley Avenue is within the Western District of Missouri. Mr.
20 Gleason was identified and was also seen driving a vehicle only
21 he was known to drive.

22 The detective would testify that the conduct that he
23 witnessed with the short meeting was consistent in his long
24 experience with being a hand-to-hand drug transaction.

25 A short time later, on March 2nd, 2015, officers

1 conducted a controlled buy using a confidential informant and
2 an undercover detective who met with Mr. Gleason at a location
3 very close to Mr. Gleason's home, also in the Western District
4 of Missouri.

5 The confidential informant drove with the undercover
6 detective where they met with Mr. Gleason who arrived in his
7 own vehicle. The confidential informant was searched both
8 before and after the transaction. No drugs or separate money
9 of his own was located on his person. He met with Mr. Gleason
10 for a short period of time. Undercover could monitor the
11 transaction and believed that he heard an exchange of money for
12 methamphetamine.

13 The confidential informant came back to the vehicle
14 and had about 3.3 grams of methamphetamine on his person and no
15 longer had the hundred dollars of buy money, and that took
16 place in the Western District of Missouri, and Mr. Gleason was
17 observed and identified by surveillance detectives, again, in
18 the same vehicle as from February 16th of 2015. That would be
19 the basis for Count 3.

20 On March 11th a search warrant was executed and
21 exactly 21,836 -- well, \$21,896 was located in Mr. Gleason's
22 residence along with some other evidence of drug trafficking
23 and specifically packaging of bulk currency; saran wrap, and
24 rubber bands. The money was seized and counted, and the buy
25 money from the March 2nd, 2015, transaction was located

1 concealed in a large amount of currency that was hidden in Mr.
2 Gleason's home.

3 Mr. Gleason was arrested on the same day and
4 interviewed, and at that time he admitted that he had been
5 involved in a conspiracy to distribute methamphetamine -- not
6 by those words, but he admitted that he had a source that he
7 had been going back and forth to for about five and a half
8 months at that point. He named that person by name, address,
9 and phone number. And while detectives later believed that
10 that was not accurate information as to the person, the
11 evidence was consistent with what he described based on the
12 amount of money that they found, the amount of drugs that he
13 discussed, and what they had seen him interacting with the two
14 individuals on the previous dates.

15 Additionally, Mr. Gleason advised them that he was
16 storing methamphetamine at the home of a separate person,
17 Crystal Altamirano, that he had about one pound of
18 methamphetamine there, which, again, they confirmed by
19 contacting Ms. Altamirano. Mr. Gleason exhibited his control
20 over that by telling Ms. Altamirano to turn that over to the
21 detectives, and it was in a location that was not known about
22 but for his statement. He identified Crystal Altamirano's
23 involvement as being someone who stored methamphetamine for him
24 and helped him arrange drug deals. So that would be the basis
25 for Count 4 because that methamphetamine that they recovered

1 was tested to be 490 grams. So it was at least 50 grams but
2 not quite 500.

3 And overall all the evidence I've indicated
4 including Mr. Gleason's statement is the basis for Count 1.

5 Q (By the Court) Mr. Gleason, did you just hear the
6 statement of the attorney for the government?

7 A Yes.

8 Q And is everything she said true?

9 A Yes.

10 Q From on or about October 1st, 2014, to March 12th,
11 2015, did you engage in a conspiracy here in the Western
12 District of Missouri to distribute 500 grams or more of a
13 mixture or substance containing a detectable amount of
14 methamphetamine?

15 A Yes.

16 Q And on March 16th, 2015, here in the Western District
17 of Missouri, did you knowingly and intentionally distribute a
18 mixture or substance containing a detectable amount of
19 methamphetamine?

20 MS. DUNNING: Your Honor, I just want to correct the
21 date. I think you said March 16th and that's for Count 2.
22 It's February 16th.

23 THE COURT: Yes. I apologize.

24 Q (By the Court) I mean on February 16th of 2015 here in
25 the Western District of Missouri, did you knowingly and

1 intentionally distribute a mixture or substance containing a
2 detectable amount of methamphetamine?

3 A Yes.

4 Q And on or about March 2nd, 2015, here in the Western
5 District of Missouri, did you knowingly and intentionally
6 distribute a mixture or substance containing a detectable
7 amount of methamphetamine?

8 A Yes.

9 Q And, lastly, on or about March 12th, 2015, here in the
10 Western District of Missouri, did you knowingly and
11 intentionally possess with the intent to distribute 50 grams or
12 more of a mixture or substance containing a detectable amount
13 of methamphetamine?

14 A Yes.

15 Q Sir, we've now discussed the charges you're pleading
16 guilty to, we've discussed the range of punishment for those
17 charges, and we've discussed the consequences of pleading
18 guilty. Knowing that information, how do you plead to Count 1
19 of the indictment, guilty or not guilty?

20 A Guilty.

21 Q And how do you plead to Count 2 of the indictment,
22 guilty or not guilty?

23 A Guilty.

24 Q How do you plead to Count 3 of the indictment, guilty
25 or not guilty?

1 A Guilty.

2 Q And how do you plead to Count 4 of the indictment,
3 guilty or not guilty?

4 A Guilty.

5 Q Are you pleading guilty to these charges because you
6 are in fact guilty?

7 A Yes.

8 Q Has anyone made any promises to you which have caused
9 you to plead guilty?

10 A No.

11 Q Anyone made any threats or forced you to plead guilty?

12 A No.

13 Q Then I find that you're fully competent and capable of
14 entering an informed plea; that you're aware of the nature of
15 the charges and the consequences of the plea; and that your
16 plea of guilty is a knowing and voluntary plea supported by an
17 independent basis in fact containing each of the essential
18 elements of the offense. I therefore find you guilty of the
19 offenses charged in Count 1, 2, 3 and 4 of the indictment.

20 As I said, I'm going to ask the Office of Probation
21 and Parole to conduct a presentence investigation.

22 Kelly, are we prepared to set sentencing or should
23 we do so later?

24 THE COURTROOM DEPUTY: I'll set it.

25 THE COURT: We will set sentencing, Mr. Gleason. I

1 would expect it to be somewhere in the range of 120 days is
2 what it typically takes to get the presentence report
3 completed, to get the input of you and your attorney and that
4 of the government so that we can proceed with sentencing.

5 Is there anything further on the part of the
6 government?

7 MS. DUNNING: I would just incorporate the record I
8 made before in terms of the negotiations; but other than that,
9 I have nothing further.

10 THE COURT: Okay. Mr. Osgood, is there any further
11 record on your behalf?

12 MR. OSGOOD: The issue came up previously about the
13 concept of constructive possession. Mr. Gleason and I
14 discussed that. I sent him some case law on that. So he
15 understands that the amphetamine was constructively possessed
16 by him.

17 Is that right?

18 THE DEFENDANT: Uh-huh. Yes.

19 THE COURT: Okay. If there is nothing further, then
20 that will conclude this matter at this time, and everyone can
21 have a good rest of the afternoon.

22 MS. DUNNING: Thank you.

23 (The Court adjourned at 1:35 p.m.)
24
25

CERTIFICATE OF OFFICIAL REPORTER

I, Katherine A. Calvert, Federal Official Court Reporter, in and for the United States District Court for the Western District of Missouri, do hereby certify that the foregoing is a true and correct transcript of the stenographically reported proceedings in UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD J. GLEASON, Defendant, No. 17-00132-01-CR-W-BP.

Dated this 1st day of September, 2020.

KATHERINE A. CALVERT, RMR, CRR
FEDERAL OFFICIAL COURT REPORTER